IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.6404 OF 1996

Pune Municipal Transport ..Petitioner

Vs.

Shri.Shripati Gopal Suryawanshi ..Respondent

....

Mr.Rajesh Ketkar for Petitioner

....

**CORAM : B.H.MARLAPALLE,J.**
**DATE : MARCH 14,2005**

**P.C.:**

1. The respondent-employee was initially appointed as temporary substitute on daily wages as a driver. However, by an order dated 14.12.1993, he was appointed against the schedule post of driver for a specific period from 2.6.1993 to 30.11.1993. This tenure was extended from 1.12.1993 to 17.6.1994 on temporary basis. He was reverted by an order dated 16.6.1994 on account of unsatisfactory record, from 18.6.1994 vide order dated 16.6.1994. This order of reversion came to be challenged in Complaint ULP No. 186 of 1994 before the Industrial Court under Item Nos. 9 and 10 of Schedule IV of the MRTU and PULP Act, 1971. By judgment and order dated 27.7.1996, the learned Member of the Industrial Court at Pune,

partly allowed the complaint and directed to withdraw the order dated 16.6.1994 permanently as it was illegal and improper. The petitioner was further directed to pay the wages which were payable to him before the reversion order was issued. Being aggrieved by the said order, the Corporation has filed this petition which came to be admitted on 5.2.1997 with interim relief in terms of prayer clause (c) i.e. stay to the order passed by the Industrial Court and impugned in this petition.

2. Mr.Ketkar, the learned counsel for the petitioner-corporation now states that during the pendency of this petition, the respondent-driver has been absorbed in the regular service of the petitioner with effect from 1.1.1997 and obviously he has been given all the consequential benefits which go with permanent appointment.

3. As the respondent-driver has been absorbed in the permanent employment of the corporation, the challenge to the impugned order passed by the Industrial Court directing to withdraw the order of reversion from the post of temporary driver to the Badli driver has become stale and therefore, it would be appropriate to dispose of the petition in view of the changed circumstances. This is more so because of the statement made by the learned counsel

for the petitioner and recorded by this Court vide order dated 20.3.1998 undertaking to pay the salary as in the case of any other temporary driver. Hence, the petition is disposed of. Rule discharged with no order as to costs.

[ B.H.MARLAPALLE,J. ]